

HOUSE No. 2127

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr., and others for legislation prohibiting the use of mobile infrared transmitters for the purpose of tampering with traffic signals. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Timothy J. Toomey, Jr.	David B. Sullivan
Barbara A. L'Italien	Robert M. Koczera
James B. Leary	John W. Scibak

In the Year Two Thousand and Five.

AN ACT RELATIVE TO MOBILE INFRARED TRANSMITTERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting the following new section:—

2 “No person shall sell, or keep or offer for sale, or have in his possession, or under his control, or use, except for uses permitted under this section, a mobile infrared transmitter or any other device or mechanism, passive or active, used to preempt or change the signal given by a traffic light so as to give the right-of-way to the vehicle equipped with such device. This section shall not apply to any law-enforcement, fire-fighting, life-saving, or rescue vehicle or ambulance responding to an emergency call or operating in an emergency situation, nor shall any such law enforcement or emergency response personnel be prohibited from purchasing said devices for use in emergency response vehicles.

15 Whoever violates the provisions of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars and the registrar of motor vehicles shall suspend such operator’s license for a period of not less than thirty days. A

19 subsequent violation shall be punished by a fine of not less than
20 five hundred nor more than one thousand dollars and suspension
21 of such license for a period of not less than ninety days.

22 The presence of any such prohibited device or mechanism in or
23 on a motor vehicle traveling upon a public way shall constitute
24 prima facie evidence of a violation of this section. The Common-
25 wealth shall not be required to prove that the device or mechanism
26 in question was in operative condition or being operated at the
27 time of said violation. Upon a conviction of a violation of this
28 section said device or mechanism shall be confiscated by the com-
29 monwealth. Said device or mechanism so confiscated shall, by
30 written authority of the court of jurisdiction, be forwarded by
31 common carrier to the colonel of the state police, who upon
32 receipt of the same, shall notify said court or justice thereof. Said
33 colonel may sell or destroy the same, except that any device or
34 mechanism may not be lawfully sold in the commonwealth shall
35 be destroyed, and in the case of a sale, after paying the cost of for-
36 warding the article, shall pay over the net proceeds to the com-
37 monwealth.”